

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Federal Trade Commission

v.

Civil No. 04-cv-377-JD

Seismic Entertainment
Productions, Inc., et al.

O R D E R

In response to the court's procedural order issued on October 23, 2006, the Federal Trade Commission and John Robert Martinson filed a stipulation to clarify the use of the term "Defendants" in their previously filed Proposed Consent Decree (document no. 135).

The FTC and Martinson stipulate that the term "Defendants" in the preamble of Part IV and referring to former defendants Mailwiper, Inc., and Spy Deleter, Inc., "was solely to indicate that the Commission's recovery could never be more than \$1,862,270.18 from all three defendants combined, as opposed to that amount from each." Stip. ¶ 3(a) (doc. no. 137). They also stipulate that the use of the term "Defendants" in Part IV, Subpart D, "is meant solely to clarify that the Commission may apply monies obtained from Defendant Martinson as equitable relief for the collective past practices of all three defendants: Defendant Martinson, former Defendant Mailwiper, Inc., and former

Defendant Spy Deleter, Inc." Stip. ¶ 3(b) (doc. no. 137). In all other places, "Defendants" is a typographical error and should be read in the singular to mean John Robert Martinson.

Conclusion

The joint Stipulation is approved. Therefore, the Proposed Consent Decree incorporates the clarifications provided in the parties' stipulation (document no. 137).

The clerk of court shall enter judgment in accordance with this order and the other orders terminating the claims against the other defendants in this case.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

October 30, 2006

cc: Stacey P. Ferguson, Esquire
David P. Frankel, Esquire
Charulata B. Pagar, Esquire
Rosemary Rosso, Esquire
Laura M. Sullivan, Esquire
Martha Van Oot, Esquire
John McFerrin Clancy, Esquire
John Robert Martinson, Esquire